

Appln. No. 09/749,210  
Amdt. dated: February 8, 2005  
Reply to Office Action dated November 17, 2004

## REMARKS

These remarks are set forth in response to the Office Action mailed November 17, 2004, (the "Office Action"). As this response has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1-20 are pending in the Patent Application.

### I. Allowable Subject Matter

The applicant notes with appreciation that claims 1, 2, 4-16 and 20 have been allowed.

### II. Claim Rejections on Art

In the Office Action, claims 17-19 have been rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 5,023,930 to Leslie (hereinafter "Leslie") in view of U.S. Patent No. 6,377,612 to Baker et al. (hereinafter "Baker"). Claim 17 recites a base transceiver station (BTS) comprising, inter alia, a processor that is programmed to selectively configure a plurality of discrete power levels at which a repeater will transmit a backhaul signal. The processor can be used by the BTS to remotely control and calibrate discrete power level settings of the repeater. Notably, the power level settings are used to indicate a power level measured from an uplink communication channel. Thus, if there are four discrete backhaul power levels that are used to indicate the uplink power levels, such backhaul power levels can be established by the BTS. The Examiner acknowledges that Leslie does not disclose the recited feature. However, in the Office Action it is asserted that the recited limitation is disclosed by Baker. Applicant respectfully disagrees.

Baker discloses that "CDMA systems dynamically control the transmit power of each communications device to maintain the appropriate power level of the received signals at the base station." Col. 2, lines 13-16. As described by Baker, a communications device is not a repeater, but instead is a mobile station (e.g. mobile phone). Col. 1, lines 15-17. Indeed, further illustrating Baker's distinction between a

{00004559:}

Appln. No. 09/749,210  
Amdt. dated: February 8, 2005  
Reply to Office Action dated November 17, 2004

communications device and a repeater, Baker states "[a] wireless repeater is sometimes used between the communications device and a BTS." Col. 1, lines 23-24. Baker's use of the two distinct terms "communications device" and "repeater" in this manner clearly shows that the two terms represent different types of objects. Moreover, since Baker's communications device is a mobile station and not a repeater, the signal transmitted by the communications device is an uplink signal, not a backhaul signal. Accordingly, Baker does not disclose the recited limitation of configuring power levels at which a repeater will transmit a backhaul signal.

Baker also does not teach or suggest this limitation. In CDMA, the transmit power of mobile stations is adjusted to compensate for varying geographical features and varying distance between the mobile stations and BTS as the mobile stations move. In contrast, repeaters are typically stationary. Thus, there is no need to compensate for varying geographical features or varying distance. Accordingly, one skilled in the art would not find motivation to apply Baker's teachings of variable transmit power to a repeater.

Baker also fails to teach or suggest configuring a plurality of discrete power levels. As communications devices move with respect to a BTS, the strength of their signals as received by the BTS will continually vary. Consequently, in order "to maintain an equivalent power level for all user signals received at the base station" (col. 2, lines 9-10), the transmit power levels of the communications devices need to be continuously variable. Moreover, Baker discloses that "[d]ynamic control is applied through open loop and closed loop control techniques that are known in the industry". Such techniques imply a continually variable system.

Claims 18 and 19 are believed to recite allowable subject matter at least by virtue of their dependence on an allowable base claim.

### III. Conclusion

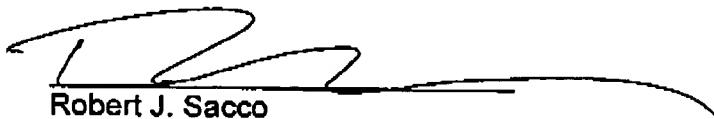
Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless,

{00004559;}

Appln. No. 09/749,210  
Amdt. dated: February 8, 2005  
Reply to Office Action dated November 17, 2004

Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,



Date: February 8, 2005

Robert J. Sacco  
Registration No. 35,667  
Terry W. Forsythe  
Registration No. 47,569  
SACCO & ASSOCIATES, P.A.  
P.O. Box 30999  
Palm Beach Gardens, FL 33420-0999  
Tel: 561-626-2222

{00004559:}

Page 4